THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.19121 OF 2007

DATED: 10-09-2007

BETWEEN

Challa Madhusudan,
S/o. Krishnaiah,
R/o. Sullurpet,
Nellore District.

...PETITIONER

AND

The Sub-Collector,
Gudur, Nellore District
and others.

...RESPONDENT

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the official respondents.

2. The Tahsildar, Tada Mandal – the second respondent passed an order in Rc.B.135/2007 dated 10.06.2007 under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') ordering eviction of the petitioner from the land in an extent of Ac.4.85 cents in Sy.No.44-11A of Akkampet Village, Tada Mandal, Nellore District on the ground that though the said land was assigned in favour of one P. Kuppaiah, petitioner was found in active possession and enjoyment of the said land. It is further stated that the assigned lands are non-alienable under Section 4(1)(b) of the Act. As against the said order, the petitioner preferred an appeal before the Sub-Collector, Gudur, under Section 4-A of the Act and the appellate authority by order dated 16.08.2007 in Rc.B2.3015/2007 having

taken the appeal on file rejected the stay application without assigning any reasons.

3. I am of the opinion that when a statutory appeal has been filed, it is just and proper to protect the possession of the petitioner over the said land.

4. Having regard to the facts and circumstances of the case,
the first respondent is directed to consider and dispose the appeal, pending in Rc.B2.3015/2007 filed against the order of the second respondent in Rc.B.135/2007 dated 10.06.2007, as expeditiously as possible giving reasonable opportunity to all concerned and pending disposal of the appeal the petitioner shall not be dispossessed.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

September 10, 2007
Note: Furnish C.C. of the order by 12.09.2007
(**B/o**)
DSK